



Appeal Decision

Site visit made on 8 May 2024

by F Rafiq BSc (Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 JUNE 2024

Appeal Ref: APP/Q3060/W/23/3332126
227-231 Main Street, Nottingham NG6 8EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by BoyleSports (UK) Ltd - against the decision of Nottingham City Council.
 - The application Ref is 23/01073/PFUL3.
 - The development proposed is the change of use of the ground floor of 229-231 Main Street from Pawnbroker (Sui Generis) to Betting Office (Sui Generis) including alterations to shopfront.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised National Planning Policy Framework (Framework) was published in December 2023. I have had regard to this in reaching my decision.

Main Issue

3. The main issue is whether the proposal would undermine the vitality and viability of Bulwell Town Centre.

Reasons

4. The appeal site comprises of a triple fronted property that was previously occupied by a pawnbroker but is currently vacant. It is situated on a pedestrianised street within the Primary Shopping Area of Bulwell Town Centre. Policy SH2 of the Local Plan Part 2 – Land and Planning Policies Development Plan Document (Local Plan Part 2) covers development within primary frontages, and for development other than retail, it sets out that permission will be granted where the predominantly retail function and character of the frontage would not be harmed, and the vitality and viability of the Centre would be enhanced.
5. The appeal property was in a non-retail use prior to it becoming vacant. As such, the proposal would not alter the existing proportion of retail uses or harm the predominantly retail function of the frontage. It would however introduce a betting use in an area that already contains other betting shops. This would be in addition to other gambling premises which are located within Bulwell Town Centre, with the Bulwell ward having been identified as having the second highest density of gambling premises of all Nottingham wards. Although some of these are separate Sui Generis uses such as casinos that have different operational characteristics and regulatory frameworks to betting shops, they

are nevertheless gambling establishments which can cause harm to health and well-being.

6. The evidence presented indicates that those who experience socio-economic disadvantage, with Bulwell having been identified as an area with a high level of such deprivation, have poorer health and are more vulnerable to gambling related harm. There would continue to be access to existing betting offices and other gambling premises, but the appeal proposal would introduce a further gambling use in close proximity to others in Bulwell Town Centre. Whilst there is no threshold set within Local Plan Part 2 on 'concentration' or 'clustering', the proposal would add to the concentration of gambling related premises in Bulwell Town Centre.
7. Although historically until 2019 there were 4 betting shops in Bulwell, from the information before me, there are five other gambling related uses in Bulwell Town Centre, some of which occupy double fronted premises. The number of betting shops would be small when considering the overall number of units in the Town Centre, but the proposal would result in a third betting shop along a short section of Main Street.
8. Whilst some uses may seek to locate in proximity to each other to take advantage of critical mass, the introduction of the proposal at the appeal site would be in an area where the population is more susceptible to gambling related harm.
9. The proposal would bring into use a vacant unit, reducing the number of vacant properties in the area. In this regard, reference has been made to marketing efforts that have been undertaken to secure a traditional retail use, but limited details of this have been provided. As such, whilst the proposal would, generate footfall and linked trips and in turn contribute to the local economy, it has not been demonstrated that this is the only means to achieve economic benefits.
10. Betting shops are an appropriate use within a Town Centre location, but in this case, the proposal would not broaden the mix of uses in Bulwell Town Centre. Rather, it would result in the unacceptable concentration of gambling related uses which would fail to maintain the vitality of the Centre.
11. The Council has raised concerns on the proposal not having an active frontage, but it does seek to incorporate a traditional shop frontage. Although there may be poster displays behind the frontage that would limit views of activities within the premises, the glazed frontage with advertisements behind it would still provide visual interest along the street. The proposal would not therefore be harmful in this respect.
12. Nevertheless, I conclude that the proposal would undermine the vitality and viability of Bulwell Town Centre and as such, it would conflict with Local Plan Part 2 Policy SH2 and Policies A and 6 of the Aligned Core Strategies Part 1 Local Plan, which seek, amongst other matters, for the vitality and viability of all centres to be maintained and enhanced. The proposal would also fail to accord with Paragraphs 8 and 90 of the Framework, which seeks strong, vibrant and healthy communities and ensuring the vitality of town centres.

Other Matters

13. The proposal would preserve the Bulwell Conservation Area, is at low risk of flooding and the site does not have any significant ecological value. These are however neutral matters and not ones which weigh in its favour.
14. Reference has been made by the Council to an appeal decision at 14 Lord Street, Blackburn¹. Although there are some similarities with the appeal development, the particular circumstances of that case were different as it related to a change of use of a retail unit. It was located in a different local authority area and therefore it was assessed against a different set of development plan policies. The appellant has also referenced a number of appeal decisions, and although the full circumstances of those cases is not before me, I acknowledge that Betting offices do attract customers who would visit other shops and services in the Town Centre. I have taken this matter into account and can confirm that I have dealt with this appeal on its own merits.

Conclusion

15. The proposal would deliver investment, generate employment and support the economy. This is a matter which weighs in favour of the proposal, although as it has not been demonstrated that this is the only use that would achieve these benefits, I afford these matters limited weight in this decision.
16. I have found that the proposal will have a detrimental impact on the vitality and viability of the Town Centre, in area where the population is more susceptible to gambling harm. I afford this matter significant weight.
17. The benefits of the proposal would not outweigh the harm and I therefore conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR

¹ Appeal Ref: APP/M2372/W/22/3293804